

# ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: General Services

Council Meeting Date: 6/23/2016

Department Contact: Chris O'Neil

Phone # 256-427-5281

Contract or Agreement: Dunlap Contracting Inc.

Document Name: Change Order #1- Big Spring Park East Phase II

City Obligation Amount: \$12,455.10

Total Project Budget:

Uncommitted Account Balance:

Account Number: 3020-14-00000-521002-00000000

## Procurement Agreements

<u>Title 39</u>	<u>Select...</u>
-----------------	------------------

## Grant-Funded Agreements

<b><u>Not Applicable</u></b>	<b>Grant Name:</b>
------------------------------	--------------------

Department	Signature	Date
1) Originating	<i>[Signature]</i>	6/9/16 6/13/16
2) Legal	<i>[Signature]</i>	6/14/16
3) Finance	<i>[Signature]</i>	6-16-16
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 6/23/2016

Action Requested By:  
General Services

Agenda Item Type  
Resolution

Subject Matter:

Big Spring Park East Phase II Change Order #1

Exact Wording for the Agenda:

Resolution Authorizing the Mayor to execute Change Order #1 between the City of Huntsville and Dunlap Contracting Inc. for Construction Services for the Big Spring Park East Phase II located at 200 Church Street, Huntsville, Alabama 35801

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Change Order #1 (Rework forms and design of stage area; repair of loose and broken pavers on sidewalks)

Associated Cost: \$12,455.10

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date:

6/13/16

**RESOLUTION NO. 2016-**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, and the Mayor that the contract with Dunlap Contracting, Inc. for Construction Services for the Big Spring Park East Phase II at 200 Church Street, Huntsville, Alabama, approved and executed by the City of Huntsville, Huntsville, Alabama on the 14th day of January, 2016, be and the same is hereby amended as is reflected on Change Order Number 1 attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount be hereby is amended from Total Contract Price - One Hundred Fifty Eight Thousand Two Hundred Eighty Five Dollars and No/100s (\$158,285.00) on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to One Hundred Seventy Thousand Seven Hundred Forty Dollars and 10/100s (\$170,740.10), including this Change Order Number 1 in the amount of Twelve Thousand Four Hundred Fifty Five Dollars and 10/100s (\$12,455.10), said Change Order is substantially in word and figures as attached hereto and identified as "Change Order Number 1 to the contract between City of Huntsville and Dunlap Contracting Inc. for Big Spring Park East Phase II" consisting of five pages (5) together with the signature of the City Council President and an executed copy of said document being permanently kept on file in the office of the City Clerk Treasurer of the City of Huntsville, Alabama.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
President of the City Council of  
The City of Huntsville, Alabama

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

## "EXHIBIT B"

CITY OF HUNTSVILLE, ALABAMA

### CONTRACT CHANGE ORDER

CHANGE ORDER NO. 1

DATE: 5/16/2016  
TO: Dunlap Contracting Inc.

PROJECT: Big Spring Park East

(Contractor)

TERMS: You are hereby authorized, subject to the provisions of your contract for this project, to make the following changes thereto in accordance with the attached Change Order Request and supporting documents and to

FURNISH the necessary labor, materials and equipment to: 1) Reworked forms and design of the stage area; repaired loose and broken pavers on the sidewalks

(Description of work to be done or changes to be made)

TOTAL ADDITION OR DEDUCTION TO CONTRACT PRICE (NOTE: Numbers in parentheses are deductions).

For this Change \$ <u>12,455.10</u>	\$ <u>12,455.10</u>
ORIGINAL CONTRACT PRICE	\$ <u>158,285.00</u>
Net total previous Change Orders	\$ <u>0</u>
Previous revised Contract Price	\$ <u>0</u>
This Change Order No. <u>1</u> ADD (DEDUCT)	\$ <u>12,455.10</u>
Revised Contract Price this date	\$ <u>170,740.10</u>

Extension of time resulting from this Change Order 0 (Indicate no. of calendar days).

The amount of this Change Order will be the responsibility of Owner.

This contract modification constitutes full and mutual accord and satisfaction for all time and all cost related to this change. By acceptance of this Contract Modification, the Contractor hereby agrees that the modification represents an equitable adjustment to the Contract, and further, agrees to waive all right to file any further claims or changes arising out of or as a result of this change, or the accumulation of executed Contract Modifications on this Contract.

The Contractor and Owner(s) hereby agree to the terms of this Change Order as contained herein.

#### CONSENT OF SURETY

Great American Insurance Company

(Company)

By

(Authorized Representative)

Mike LeCroy, Attorney-In-Fact

RECOMMENDED

By

(Design Engineer or Architect)

By

(C.O.D. Facilities Project Manager)

By

(Director of General Services)

#### CONTRACTING PARTIES

DUNLAP CONTRACTING  
(Contractor)

By

(Authorized Representative)

CITY OF HUNTSVILLE, ALABAMA

By

(Its Mayor)

By

(President of City Council)

Date

# GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by  
this power of attorney is not more than TWO

No. 0 16384

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

Name	Address	Limit of Power
JERRY LECROY	BOTH OF	BOTH
MIKE LECROY	BIRMINGHAM, ALABAMA	\$100,000,000

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 5TH day of NOVEMBER 2014

Attest

GREAT AMERICAN INSURANCE COMPANY



*Atty L C B*  
Assistant Secretary

*David C. Kitchen*  
Divisional Senior Vice President

STATE OF OHIO, COUNTY OF HAMILTON - ss:

DAVID C. KITCHIN (877-377-2405)

On this 5TH day of NOVEMBER, 2014, before me personally appeared DAVID C. KITCHIN, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



Shelle Clontz  
Notary Public, State of Ohio  
My Commission Expires 08-08-2015

*Shelle Clontz*

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

**RESOLVED:** That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

**RESOLVED FURTHER:** That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

## CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 2nd day of June, 2016



*Atty L C B*  
Assistant Secretary

"EXHIBIT A"

UPDATED 10/07/2015

CONTRACT MODIFICATION REQUEST

DATE: 4-28-16 CMR NUMBER: 1  
PROJECT: Big Springs Park East  
OWNER: CITY OF HUNTSVILLE  
ARCHITECT: WILLIAM M. BOEHME AND ASSOCIATES  
CONTRACTOR: DUNLAP CONTRACTING, INC.

DESCRIPTION OF CHANGE (BY GENERAL CONTRACTOR):

Reworked forms and design of the stage area  
Repaired loose and broken pavers on the sidewalks  
SEE ATTACHED DOCUMENT

1. TOTAL COST (CONTRACTOR TO ATTACH DETAILED BREAKDOWN): A 12,455.10  
2. TIME EXTENSION IN CALENDAR DAYS (ATTACH JUSTIFICATION):  
☐ THIS CHANGE AFFECTS THE CRITICAL PATH OF THE PROJECT  
3. SUBMITTED BY:  
A. CONTRACTOR  
B. ARCHITECT Phy Stone

\*\*\*BOTTOM SECTION TO BE FILLED OUT BY CITY OF HUNTSVILLE REPRESENTATIVE\*\*\*

4. INITIATED BY: OWNER  
5. OWNER'S CLASSIFICATION:

CONTRACT MODIFICATION DUE TO:

- ☐ VALUE ENGINEERING OR COST REDUCTION  
☐ CHANGES IN PROJECT SCOPE OF WORK  
☒ OWNER REQUESTED UPGRADE  
☐ UNFORESEEN CONDITIONS  
☐ TECHNICAL COORDINATION

6. THIS CHANGE IS SUBMITTED FOR REVIEW AND APPROVAL AND IS CLASSIFIED AS ONE OF THE FOLLOWING TYPES:

- ☒ MINOR CHANGE OF A MONETARY VALUE AND NOT REQUIRED FOR COMPETITIVE BIDDING.  
☐ CHANGES TO THE ORIGINAL CONTRACT NECESSITATED BY UNFORESEEABLE CIRCUMSTANCES ARISING DURING THE COURSE OF THE WORK.  
☐ EMERGENCIES ARISING DURING THE COURSE OF THE WORK.  
☐ CHANGE FOR ALTERNATES PROVIDED FOR IN THE ORIGINAL BIDDING WHERE THERE IS NO DIFFERENCE IN PRICE OF THE CHANGE FROM THE ORIGINAL BEST BID ON THE ALTERNATE.  
☐ CHANGE NOT CONTEMPLATED WHEN THE PLANS AND SPECIFICATIONS WERE PREPARED AND THE PROJECT WAS BID AND WHICH IS IN THE PUBLIC INTEREST AND DOES NOT EXCEED 10% OF THE CONTRACT PRICE.  
☐ CHANGE NOT CONTEMPLATED WHEN THE PLANS AND SPECIFICATIONS WERE PREPARED AND THE PROJECT WAS BID AND WHICH IS IN THE PUBLIC INTEREST AND EXCEEDS 10% OF THE CONTRACT PRICE AND CONSTITUTES EXTRAORDINARY CIRCUMSTANCES.

7. I HAVE REVIEWED, UNDERSTAND AND RECOMMEND THIS CHANGE WITH NO EXCEPTIONS:

- A. CoH ESTIMATOR  
B. CoH PROJECT MANAGER  
C. DEPARTMENT HEAD (CUSTOMER)  
D. CoH FACILITIES PROJ MANAGER  
E. DEPARTMENT HEAD (GS)

John E. Wilk JR  
William Carl Sale  
[Signature]

\*\*\*THIS EXECUTED FORM DOES NOT CONSTITUTE A CHANGE ORDER. THIS DOCUMENT IS AN ACKNOWLEDGEMENT BY THESE DESIGNATED REPRESENTATIVES THAT THEY RECOMMEND TO THE CITY OF HUNTSVILLE'S CITY COUNCIL TO APPROVE THE CHANGE IN CONTRACT SUM, SCOPE AND OR TIME STATED HEREIN. THE CITY OF HUNTSVILLE'S CITY COUNCIL MUST APPROVE ALL CHANGE ORDERS.\*\*\*



P.O.Box 189  
Lacey's Spring, AL 35754

Phone (256) 883-7134  
Fax (256) 880-1542

## **CHANGE ORDER**

Change Order # 01

Job Name:

Big Springs Park

Dunlap Contracting and Owner hereby agree to amend the existing Contract or Work Authorization. Unless specified otherwise, Owner is responsible for payment of this Change Order.

### **Change(s) to Scope of Work:**

- At the stage, we reworked the forms 2 times and we poured additional concrete and installed additional pavers.
- Set up and took down the forms on the north sidewalk 2 times. We also had to remove the storm drain and installed a new collar.
- Reworked the pavers at the north east entrance and the south east entrance where additional pavers were removed to let irrigation to be installed
- Repaired the pavers where the landscaping equipment had broken pavers loose during the landscaping process.
- Repaired the paver cap near the north east canal steps.

### **Change(s) to Contract Price:**

Materials -	\$ 1,567.00
Labor -	\$ 9,745.00
Equipment -	\$ 550.00
Sub Total	\$ 11,862.00
O & P -5 %	\$ 593.10

**Contract Change: \$ 12,455.10**

---

*"Trust in the Lord with all your heart, and do not lean on your own understanding.  
In all your ways acknowledge Him, and He will make your paths straight." Proverbs 3: 5-6*



P.O.Box 189  
Lacey's Spring, AL 35754

Phone (256) 883-7134  
Fax (256) 880-1542

---

Date: \_\_\_\_\_

Owner /Insured: \_\_\_\_\_

Date: 4-28-16

Dunlap Contracting Representative

Phil G. Hone

---

*"Trust in the Lord with all your heart, and do not lean on your own understanding.  
In all your ways acknowledge Him, and He will make your paths straight." Proverbs 3: 5-6*